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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/936,220
Filing Date: September 10, 2001
Appellant(s): BOOTON ET AL.

Larry S. Nixon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/26/2006 appealing from the Office action mailed 06/05/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,889,845	Staples et al.	03-1999
6,252,953	Gruchala et al.	06-2001
4,086,438	Kahn et al.	04-1978

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al (US PAT # 5, 889, 845) in view of Gruchala et al (US PAT # 6,252,953).

Regarding claims 1 and 7, Staples discloses a “telecommuting” system and teaches a method of operating a switching system to make a call (see col. 3, lines 25-28), the method comprising the steps of: responding to a request for the making of a call by obtaining an actual calling party identity (caller ID or the like as discussed in col. 20, lines 33-51); sending a setup signaling message for establishing a call to the called party, the setup signaling message having a calling line identity field, (this is an inherent feature which basically reads on a generic and conventional caller ID field).

Although Staples teaches that “a co-worker or external party who telephones the user at the corporate office, or sends email or a fax to the user at the corporate office, is unaware that the user is actually not physically located at the corporate office, but rather is at a remote location”. Staple does not specifically teach or suggest translating the obtained actual calling party identity (e.g., caller ID) to obtain a corresponding simulated consistent calling line identity permanently associated with the calling party.

However, Gruchala teaches in a system and method for providing work-at-home telecommunication modifying the calling party identification number to an identification number of a group associated with the calling party (see col. 2, lines 4-22 and col. 4, lines 13-30). That is, when an employee working at home (telecommuting) makes an outgoing telephone call, the actual caller ID information (his/her home phone number) will be modified to the company's caller ID information. The claimed feature of "containing the obtained corresponding simulated consistent calling identity..." basically reads on the remote user establishing a session with the simulated identity. As already discussed in Gruchala actual users identities and telephone numbers are already recorded in a table with the matching modified identities and telephone numbers (see col. 6, lines 4-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of translating/modifying the actual number (e.g., home) to reflect the office telephone number, as taught by Gruchala, into the Staples system in order to honor the privacy of the actual number (e.g., home) of the calling party (e.g., telecommuter) by changing the actual number caller ID to the business/office number caller ID (e.g., extension number). Obviously, employees would like to keep their home phone number private and unpublished.

Claims 2 and 8 are rejected for the same reasons as discussed above with respect to claims 1 and 7, respectively. The claimed feature of "detecting the actual calling line identity of a line which has changed to off-hook status" basically reads on Staples remote user obtaining virtual presence at the corporate office (PBX) to perform activities as if he/she was physically present in the office. Thus, by going off-hook the actual identity of the remote user will be detected once the user had logged in the virtual presence server at the corporate office (see col. 2, lines 38-43 and col. 20, lines 13-16).

Regarding claims 3 and 9, Staples teaches the remote user uses a computer system 102, which includes a user telephony communication device 104 (see col. 6, lines 12-14). In addition, Staples teaches authenticating the user to the virtual presence server by having the user entering a password (see col. 19, lines 36-42) and validating this user by verifying the entered information (see col. 41-51). Also, the claimed "step of obtaining an actual calling party identity comprises the substeps of detecting the identity of a computer from which a make call request has been sent to the CTI controller and translating the detected computer identity to obtain a corresponding actual calling party identity for a user currently recorded as being logged on at that computer to the CTI controller" basically reads on the user logging in from the remote computer system 102 and receiving other types of information identification (e.g., IP address) , see col. 20, lines 30-40 and col. 2, lines 55-60.

Regarding claims 4 and 10, the claimed "signaling information" basically reads on the caller ID information (see col. 20, lines 33-51).

Claim 5 reads on establishing the call by connecting the calling party and the called party, which is inherent in Staples.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al in view of Gruchala et al and further in view of Kahn et al (US PAT # 4, 086, 438).

The features of Staples and Gruchala are already addressed in the above rejection.

Regarding claim 6, neither Staples nor Gruchala alone or in combination teach the limitation "clearing down incoming call, making a call to the calling party based on the calling line identity of that incoming call".

However, Kahn teaches the feature of "call-back/local", simply when an out of town caller (long distance location) trying to contact a local line he/she access the system 30 by dialing the local line telephone number (e.g., called party) with the area code. Once the local line telephone number is dialed, the system 30 will answer the call and the caller has to dial 3 digits security codes (e.g., authentication). Then a dial tone will be provided to the caller in order for him/her to enter the number of the

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telephone from which he/she is calling. After the caller dials his/her number, he/she may hang up the phone. System 30 will call the caller back and connect the called party with the caller (see col. 40, lines 57-68 and col. 41, lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of providing a callback service by a system to an identified caller at a long distance location and who is trying to reach a local number, as taught by Kahn, into the combination of Staples and Gruchala in order to allow the caller to make repeated calls to his/her home office area for the minimum cost. That is, having the system (e.g., office) calling the caller back each time the caller makes a call is definitely more economical and cheaper.

(10) Response to Argument

Appellant's argues that "The Examiner admits that the primary Staples reference does not teach or suggest translating an obtained actual CLI to obtain a simulated consistent CLI permanently...etc". Appellant also adds "The examiner tries to use Gruchala to supply this admitted deficiency". Appellant argues, (Appeal Brief, page 11) "the office action also admits that Gruchala does not specifically teach either temporary or permanent simulated 'modified' consistent CLI". Appellant's remarks are not persuasive. In regard to Appellant arguments, first of all, The Examiner introduced (Gruchala) in order to teach modifying the calling party identification number to an identification number of a group associated with the calling party (see col. 2, lines 4-22

and col. 4, lines 13-30). That is, when an employee working at home (telecommuting) makes an outgoing telephone call, the actual caller ID information (his/her home phone number) will be modified to the company's caller ID information. Gruchala does not disclose that the stimulated (modified) consistent calling line identity is temporary nor is the any disclosure in Gruchala states that the modified identity is assigned to the user for short period of time. In Gruchala, for an employee working within a company, the stimulated (modified) caller ID will be assigned to this employee permanently as long as he/she is with this company. Therefore, the stimulated (modified) caller ID is deemed permanent within the scope of the claims.

Appellant argues (Appeal Brief, page 11), "Gruchala only teaches a simulated (modified -- i.e., translated) CLI for a group-rather than for any particular individual user". Appellant also adds "Since a 'permanent' CLI associated with an individual party is clearly not translated into a simulated (modified) consistent CLI, it follows that Gruchala cannot possibly supply the admitted fundamental deficiencies of Staples". The Examiner respectfully disagrees with Appellant's argument for the following reasons: first of all, in the present invention the main concept is translating the actual calling party identity to a corresponding simulated consistent calling line identity that is permanently associated with the calling party. In Gruchala, a work-at-home telecommunication system and method that teaches modifying the calling party identification number to an identification number of a group associated with the calling party (see col. 2, lines 4-22 and col. 4, lines 13-30). That is, when an employee

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working at home (telecommuting) makes an outgoing telephone call, the actual caller ID information (his/her home phone number) will be modified to the company's caller ID information. The actual users identities and telephone numbers are already recorded in a table with the matching modified identities and telephone numbers (see col. 6, lines 4-25). Thus, both the claimed invention and Gruchala teach modifying the actual calling party identity to a simulated consistent calling line identity. Second, on page 11 of the Appeal Brief, Appellant stated the limitation "particular individual user" and "CLI associated with an individual party". It is noted precisely that the term "individual" is not recited in the claim language. Thus, it appears that Appellant is reading into the claim's language and such arguments are not persuasive.

Regarding Appellant's argument (Appeal brief, page 12), "there is also disclosure of providing a privacy function which means that calls can be 'anonymous'". Appellant also adds "it seems odd to want to block transmission of the group identity". As previously explained by the Examiner (in the advisory action mailed 06/05/2006) Gruchala teaches that the SCP **honors** a privacy indicator of the calling party, **if** the user dials a privacy access code (see col. 6, lines 10-15). That means the reference **does not** block and/or restricts the passing of the calling party identification parameter **unless** the calling party dials the privacy access code (* 67) and this is a conditional situation. Therefore, Gruchala is still valid for the teaching of translating the caller's number to a simulated consistent calling line identity.

In regard to Appellant's argument that "even assuming such arguendo, that actually undercuts the Examiner's rejection because then there would have been no translation of CLI data__ or, at best it would still only relate to a translated group CLI__ rather than to translated simulated consistent CLI for a particular party". Examiner respectfully disagrees since in Gruchala the actual users identities and telephone numbers are already recorded in a table with the matching modified identities and telephone numbers (see col. 6, lines 4-25). Gruchala also teaches that the translation table indicates the translated number for each dialed number or range of dialed numbers for the groups (see col. 6, lines 23-25). This still reads on the claimed limitation since it does translated simulated consistent CLI for a particular party where the particular party is the caller.

Regarding Appellant's argument (Appeal Brief, page 13) that "there is no one-to-one correspondence between the group identity number and an individual calling party". Appellant is reading limitations into the claim language since the "one-to-one correspondence between the group identity number and individual calling party number" is not recited in the claim's language. Appellant adds "Thus, it is not possible for the called party to use the received modified calling party CLI number as a means of contacting a particular calling party". Appellant's argument is not convincing, since Appellant is reading limitations into the claims. Appellant should take note that when the caller's telephone number is translated into the group identity number it is done so via a translation table, and it is a one-to-one correspondence in that the caller ID is

matched to the group identity number, the caller ID is always matched to the same group identity number, and this is enough to broadly meet the limitation. Furthermore, it is possible that the called party is able to reach the calling party who has the modified identity since the actual identity and the telephone number(s) of the calling party (user) are already stored in a table with the matching modified identity and telephone number(s) (see col. 3, lines 49-67, col. 4, lines 1-26 and col. 6, lines 17-25).

Appellant argues (Appeal Brief, page 14) “The reference does not teach the system translates the user’s home telephone number into that caller’s individual office/extension number”. Once more, Appellant is reading into the claim language since the claimed feature of “the system translates the user’s home telephone number into that caller’s individual office/extension number” is not recited in the claim’s language. Therefore, Appellant’s remarks are not persuasive.

Regarding Appellant argument “The Examiner cites Staples, but the activities which the Examiner equates to those of applicant’s claims can only happen after the call has been set up—and claims 2 and 8 concern activities that must be performed prior to call setup”. The examiner respectfully disagrees with Appellant’s argument since the claim language in claims 2 and 8 does not recite “detecting the actual calling line identity” and “translating the detected calling line identity” prior to the call setup. Actually, the claim language implies that the activities in claims 2 and 8 are performed after the line goes off hook. Beside, the Examiner noted that the specification

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(AMENDED SHEET of Preliminary Amendment, page 8, lines 9-13) does not recite performing these activities prior to call setup. Therefore, Appellant's remarks are not persuasive.

Also regarding Appellant's argument of the rejection of claims 3 and 9, Appellant states "Claim 3 concerns detecting the identity of a computer from which a request to make a call has been sent, the computer already being in communication with the CTI controller". Appellant adds, "Whereas the passages cited by the Examiner concern initiating communication between a remote computer and the virtual presence server". The Examiner respectfully disagrees with Appellant's argument since the remote user in Staples uses a computer system 102, which includes a user telephony communication device 104 (see col. 6, lines 12-14). In addition, Staples teaches authenticating the user to the virtual presence server by having the user entering a password (see col. 19, lines 36-42) and validating this user by verifying the entered information (see col. 41-51). In regards to Appellant argument, the Examiner assures that the use of a computer 102 in Staples is intended for the purpose of connecting (logging in) a remote user to maintain a virtual presence. Thus, the identity of the computer (e.g., IP address, see col. 20, lines 30-40 and col. 2, lines 55-60) is important to recognize the remote user.

Regarding Appellant's argument for the rejection of claim 6, Appellant states "In particular, the asserted economy of Kahn's arrangement for causing the system (office)

call the caller back each time the caller makes a call (i.e., to minimize long distance toll charges) is not what claim 6 is directed to". Appellant also adds "The Examiner does not seem to understand that claim 6 is directed towards handling an incoming returned call to the CTI system. It does not involve allowing a caller to make repeated calls to his/her home office area for minimum cost...etc". The Examiner respectfully disagrees with Appellant's argument since the Kahn reference was introduced to teach the feature of "clearing down that incoming call" and "making a call to the calling party based on the calling line identity" and "joining the call to the calling party... etc". Kahn teaches the feature of "call-back/local" (reads on the claimed "making a call to the calling party"). Kahn also teaches after authenticating the caller (entering 3 digits security codes) and having the caller to dial number of the telephone from which he/she is calling the system feature of the system 30 will call the caller back and connect the called party with the caller (see col. 40, lines 57-68 and col. 41, lines 1-9). Thus, Kahn has overcome the deficiency of Staples and Gruchala by teaching the features clearing down that incoming call" and "making a call to the calling party...etc" and "joining the call to the calling party... etc. and when combined with Staples and Gruchala would render the claims obvious as set forth in the Final rejection.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
Rasha S. Al-Aubaidi
October 25, 2006

Conferees:



Wing Chan
Supervisory Patent Examiner



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